IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6523 of 1993

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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SHOBHA J PANDYA - Petitioner(s)

Versus

DIST.PRIMARY EDUCATION OFFICER & 2 - Respondent(s)

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Appearance :

MR DEEPAK M SHAH for Petitioner(s) : 1,
MR RA MISHRA for Respondent(s) : 1,
MRS KOKILA V ASHAR for Respondent(s) : 2,
RULE SERVED BY DS for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 22/11/2005

ORAL JUDGMENT

In the present petition, the petitioner has complained about non-payment of claims arising out of Group Insurance Scheme to which the petitioner's husband

was a subscriber. The husband of the petitioner expired on 25th May 1989. Till date, the petitioner has not received any amount towards the Group Insurance Scheme. No reply has been filed on behalf of the respondents. Learned advocates appearing for the respective respondents were absent though the petition was called out twice.

2. It is the case of the petitioner that the husband of the petitioner was a member of the Group Insurance Scheme 1981. He became member from 1.4.84 and paid regular premium from his salary and more than Rs.1140/- was paid by him till he expired on 22.5.89 due to heart-attack. It is the case of the petitioner that the petitioner and her two children are entitled to receive a sum of Rs.20,000/-. The petitioner has also stated that despite writing number of letters and despite her personal visits to the office of the respondents, no reply has been received by her, except a reply dated 6th January 1990 in which it was conveyed to the petitioner that her application has been received and the same has been forwarded for further procedure. The petitioner also issued a notice in February 1991, but received no reply.

3. It is a sorry state of affairs that for more than 15 years the petitioner is clamouring for settlement of her claim under the Group Insurance Scheme. The claim of the petitioner is that the husband of the petitioner was a member of the Scheme and had paid regular subscription. These averments have not been controverted by the respondents either by filing affidavit or by making oral submissions. I have, therefore, to accept the submissions made by the petitioner as true. For no apparent reason, the petitioner is not paid the amount of Group Insurance Scheme of which her husband was a member. Her husband expired on 22.5.89. In the result, the petitioner is entitled to not only receive the amount as claimed, she is also entitled to receive the same with interest and cost of the litigation as well.

4. By allowing the petition, therefore, the respondents are directed to release an amount of Rs.20,000/- (Rupees twenty thousand) in favour of the petitioner with interest at the rate of 8 per cent per annum from 22.5.89 till its actual payment. Respondents shall also pay cost of Rs.10,000/- (Rupees ten thousand only) to the petitioner. Rule is made absolute accordingly.

(Akil Kureshi, J.)

(vjn)